

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/23/2022
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CIVIL RIGHTS CORPS, ET AL.,	:	
	:	
Plaintiffs,	:	
	:	21 Civ. 9128 (VM)
- against -	:	
	:	<u>ORDER</u>
GEORGIA PESTANA, ET AL.,	:	
	:	
Defendants.	:	
-----X		

VICTOR MARRERO, United States District Judge.

Plaintiffs Cynthia Godsoe, Nicole Smith Futrell, Daniel Medwed, Justin Murray, Abbe Smith, and Steven Zeidman, and non-profit organization Civil Rights Corps ("CRC," and with the foregoing, "Plaintiffs") filed this action against Georgia Pestana, Corporation Counsel of the City of New York; Melinda Katz, Queens County District Attorney; Andrea Bonina, Chair of the State of New York Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts; Justice Hector D. LaSalle, Presiding Justice of the Second Judicial Department of the Appellate Division of the Supreme Court of New York; and Diana Maxfield Kearse, Chief Counsel of the Grievance Committee (together, "Defendants") alleging, primarily, violations of statutory and constitutional rights. (See "Complaint," Dkt. No. 59).

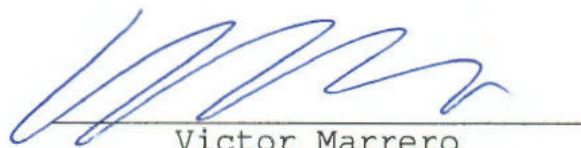
On June 18, 2022, pro se movant Towaki Komatsu ("Komatsu") moved for leave to file a motion to intervene in

this lawsuit. (See "Motion," Dkt. No. 96.) Though Komatsu does not specify, the Court interprets it as a motion for permissive intervention pursuant to Rule 24(b) of the Federal Rules of Civil Procedure. The Court is not persuaded that permissive intervention is appropriate here. Under Rule 24(b), the court may permit a timely application to intervene where the moving party "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). "Permissive intervention is wholly discretionary with the trial court." Rosado v. Pruitt, No. 17 Civ. 4843, 2018 WL 262835, at *3 (E.D.N.Y. Jan. 2, 2018) (internal quotation marks omitted) (quoting U.S. Postal Serv. v. Brennan, 579 F.2d 188, 191 (2d Cir. 1978)). Komatsu has not shown that he has a claim sharing a common question of law or fact with this lawsuit. His motion for intervention is premised on having suffered from prosecutorial misconduct, which is a different injury from that alleged in Plaintiffs' Complaint.

For that reason, it is hereby **ORDERED** that the motion filed by Towaki Komatsu to intervene in this action (Dkt. No. 96) is **DENIED**.

SO ORDERED.

Dated: New York, New York
23 June 2022



Victor Marrero
U.S.D.J.